IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

TUESDAY, THE 12TH DECEMBER 2006 / 21ST AGRAHAYANA 1928

WP(C).No. 32992 of 2006(C)

OS.325/2006 of MUNSIFF COURT, PALA
.....

PETITIONER:

RAGHAVAN NAIR, AGED 53, S/O.
NEELAKANDAN NAIR, KAITHAKOMBIL HOUSE,
BEELOOR KARA, KADANAD VILLAGE, KOTTAYAM DISTRICT.

BY ADV. SRI.JOHNSON MANAYANI
SRI.BENHUR JOSEPH MANAYANI
SRI.PIUS K NEDUMGATTU

RESPONDENTS:
---

1. K.M.GOPALAKRISHNAN NAIR,
SECRETARY, MEENACHIL TALUK, N.S.S.UNION,
REGISTER NO.957, CHETHIMATTOM, PALA.

2. J.SASIDHARAN NAIR, ELECTION OFFICER,
MEENACHIL TALUK, N.S.S. UNION,
REG.NO.957, CHETHIMATTOM, PALAI.

3. V.P.HARIDAS, REGISTRAR OF KARAYOGAM,
PERUNNA, CHANGANACHERRY.

4. N.K.PANKAJAKSHAN NAIR,
S/O.KRISHNAN NAIR, SREEVAYATTIL HOUSE,
VALLICHIRA, EDANAD, KOTTAYAM DISTRICT.

BY //

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C) .NO.32992 OF 2006

Dated 12th December 2006

JUDGMENT

Petitioner is the plaintiff in O.S.325/06 on the file of Munsiff court, Pala. Suit was filed seeking a decree for permanent prohibitory injunction. In the suit petitioner filed Ext.P2 application under Order XXXIX Rule 1 of Code of Civil Procedure seeking an order of temporary injunction. This petition was filed under Article 227 of Constitution of India contending that trial court did not pass any order in Ext.P2 application and respondents have convened a meeting and conducted an election and they are not entitled to do so, in view of the pending suit and therefore direction is to be issued to Munsiff to dispose Ext.P2 application. Petitioner also sought a direction to third respondent not to approve the elections conducted under Exts.P4 and P6.

2. On hearing learned counsel appearing for petitioner, I do not find that any direction to third respondent, is warranted from this court. As suit is

pending, it is for the learned Munsiff to decide whether petitioner is entitled to an order of temporary injunction as sought for in Ext.P2 application. As grievance of petitioner is that no order is passed by the Munsiff in Ext.P2 application, this petition is disposed directing Munsiff, Pala to dispose Ext.P2 application as expeditiously as possible and if service is complete, to pass final order within thirty days from the date of receipt of copy of this judgment.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.